

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES D. WILHELM,

Plaintiff,

vs.

Civil Action 2:12-cv-752  
Judge Marbley  
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On January 23, 2013, the United States Magistrate Judge recommended that plaintiff's *Motion to Remand*, Doc. No. 16, be granted and that this case be remanded to the Commissioner of Social Security, pursuant to Sentence 6 of 42 U.S.C. § 405(g), for consideration of new and material evidence. *Report and Recommendation*, Doc. No. 17. Although the parties were advised of their right to object to the recommendation and of the consequences of their failure to do so, there has been no objection.

The *Report and Recommendation*, Doc. No. 17, is **ADOPTED AND AFFIRMED**. Plaintiff's *Motion to Remand*, Doc. No. 16, is **GRANTED**. This action is **REMANDED** to the Commissioner, pursuant to Sentence 6 of 42 U.S.C. § 405(g), for consideration of new and material evidence.

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge